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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TRACI HOUSE,

Plaintiff,

vs.

STATE OF NEVADA, ex rel. its STATE
PUBLIC CHARTER SCHOOL
AUTHORITY,

Defendants.

2:20-00002-JCM-VCF

ORDER

Before the Court is Plaintiff's Motion to Extend Time to Serve. (ECF No. 5).

Due to changes in work and family circumstances, Plaintiff seeks an extension until July 10, 2020 under FED. R. CIV. P. 4(m) to effectuate service upon the Defendants.

A. Background

This is an employment discrimination case. The Complaint in the matter was filed on January 2, 2020. (ECF No. 1). Summons were also issued to Defendants on January 2, 2020. (ECF No. 3).

On June 8, 2020, Plaintiff filed the instant Motion to Extend Time to Serve. (ECF No. 5).

B. Relevant Law

Pursuant to Federal Rule of Civil Procedure 4(m), "[i]f a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." "The 90-day time limit imposed by Rule 4(m) expires 90 days after the first complaint in which the defendant is named..." is filed. *Bolden v. City of Topeka*, 441 F.3d 1129, 1148

(10th Cir. 2006)(emphasis added). *Id.* The district court may extend time for service of process retroactively after the 90-day service period has expired. *See Mann v. American Airlines*, 324 F.3d 1088, 1090 (9th Cir.2003).

C. Discussion

Plaintiff's original complaint was filed on January 2, 2020. (ECF No. 1). The deadline to effectuate service of process was April 1, 2020. *Id.*; Fed. R. Civ. P. 4(m). The time to effectuate service upon the Defendants has expired, and Plaintiff must make a showing of good cause or excusable neglect in order for the court to extend this deadline for an appropriate period. *See* Fed. R. Civ. P. 4(m); *Lemoge*, 587 F.3d at 1198; *Mann*, 324 F.3d at 1090 (the court may extend the deadline for service of process retroactively).

Plaintiff asserts she has been unable to perfect service of process on defendants due to changes in her work and family circumstances. (ECF No. 1).

The court finds that good cause warrants extending the service of process deadline.

Accordingly and for good cause shown,

IT IS ORDERED Plaintiff's Motion to Extend Time to Serve (ECF No. 5) is GRANTED. The deadline to perfect service on defendants is extended up and including July 10, 2020. Plaintiff must file proof of service for Defendants on or before August 1, 2020.

DATED this 9th day of June, 2020.


 CAM FERENBACH
 UNITED STATES MAGISTRATE JUDGE